

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

PETER McINTYRE,

Petitioner,

No. C 08-4825 PJH (PR)

v.

ORDER OF TRANSFER

STATE OF CALIFORNIA,

Respondent.

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This is a habeas case filed pro se by a state prisoner. Petitioner seeks to challenge a conviction obtained in the Superior Court in and for Orange County. Orange County is in the venue of the United States District Court for the Central District of California. Petitioner is incarcerated at the Antelope Conservation Camp in Susanville, which is in the Eastern District.

Venue for a habeas action is proper in either the district of confinement or the district of conviction, 28 U.S.C. § 2241(d); this district is neither. Because petitions challenging a conviction are preferably heard in the district of conviction, Habeas L.R. 2254-3(a); *Laue v. Nelson*, 279 F. Supp. 265, 266 (N.D. Cal. 1968), and petitioner was convicted in Orange County, this case is **TRANSFERRED** to the United States District Court for the Central District of California. See 28 U.S.C. § 1406(a); Habeas L.R. 2254-3(b).

IT IS SO ORDERED.

Dated: October 30, 2008.



PHYLLIS J. HAMILTON
United States District Judge